

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

UNITED STATES OF AMERICA,) CR No. 09-0989 MHP
Plaintiff,)
v.) ORDER GRANTING GOVERNMENT'S
JOHN GIMBEL,) MOTION FOR DETENTION
Defendant.)

On October 13, 2009, at 11:00 a.m., the parties appeared before the court for a hearing on the government's motion for the detention of defendant John Gimbel pending trial. The court has reviewed and considered the following materials submitted to it and all parties: (1) the complaint, (2) the Affidavit of Special Agent Russell Miller in support of the Complaint, (3) the government's Memorandum in Support of Motion for Detention, and (4) the report prepared by Pretrial Services. In addition, the court heard arguments by counsel for the government and by standby counsel for the defendant, and presentations by the defendant himself after being admonished of his Fifth Amendment right to remain silent. After careful deliberation, the court makes the following determination:

The government has not shown by a preponderance of the evidence that the defendant poses a risk of flight.

However, the government has demonstrated by clear and convincing evidence that the defendant poses a danger to the community and should not be released at this time. The defendant poses a clear danger to the community given his prior criminal history, his access to handguns, and his repeated and bizarre threats over several years to local, state and federal

1 officials. Therefore, the court finds that no combination of conditions exists that would
2 sufficiently mitigate this danger.

3 The government's motion for detention is hereby GRANTED, and the court ORDERS
4 that the defendant be remanded to the custody of the U.S. Marshal pending trial.

5 The court further ORDERS that a preliminary hearing / arraignment on an indictment
6 shall be held before this court on Monday, October 19, 2009, at 1:00 p.m.

7 IT IS SO ORDERED.
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10 Dated: October 19, 2009
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